

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

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JOHN CALDERAIO

Plaintiff,

v.

CENTRAL BUCKS SCHOOL DISTRICT

Defendant.

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: CIVIL ACTION NO. 2:23-cv- 04218  
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: JURY TRIAL DEMANDED  
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**STATEMENT OF MATERIAL FACTS**

1. The instant litigation arises out of an alleged sexual abuse allegation from John Calderaio against a former teacher at the Central Bucks School District, Joseph Ohrt. (See Exhibit “A” Plaintiff’s Complaint.)
2. Plaintiff Calderaio first met Ohrt in 2013 when he started at Central Bucks West in the 10<sup>th</sup> grade as a 15-year-old choir student in Ohrt’s classroom. (See Exhibit “A” at paragraph 28).
3. Plaintiff Calderaio had a difficult home life due to his mother’s alcohol addiction and parents’ separation in 2012. (See Exhibit “C” at 114:5-116:10 and 18-19).
4. Calderaio “bounced around” in high school, living at different friends houses, his girlfriend’s house and switching between living his mother and father. (See Exhibit “C” at 18-19 and Exhibit “F” at 13:4-22).
5. Beginning in Calderaio’s 8<sup>th</sup> grade school year, his mother moved out of the house and Calderaio’s father would often take vacations to Florida leaving him and his siblings home alone. (See Exhibit “F” at 12:22-13:12).

6. Thereafter, while in high school Calderaio temporarily lived at his girlfriend Chloe's house, later with the Stuardi family and Aiden Geary's family. (See Exhibit "F" at 12:22-13:12 and Exhibit "C" at 16:19-17:9, 46:19-24).
7. Plaintiff testified that he began discussing some of his family issues with Ohrt during his sophomore year of high school. (See Exhibit "C" at 114:5-8).
8. He stated that initially when Ohrt began to talk to him about personal issues he viewed their relationship as a "paternal relationship." (See Exhibit "C" at 123-124:9).
9. Plaintiff alleges that beginning during his junior year of high school (2014-2015), Ohrt began "hugging" him. (See Exhibit "D" Calderaio's Statement to Bucks County Police 5/2021 at 42:8).
10. During Ohrt's junior year of high school, Plaintiff alleged that there was an incident that Ohrt "had come up from behind [him] and bear-hugged [him] over top...over [his] shoulders, pulling [him] into his chest." (See Exhibit "C" at 108:3-23).
11. Calderaio clarified that Ohrt only hugged him and did not touch him elsewhere during his Junior year of high school. (See Exhibit "D" at 44:6-12 and 45:11-23).
12. He did not report the incident and there were no witnesses. (See Exhibit "B" at Interrogatory No. 10 and Exhibit "C" at 113-114:4).
13. Plaintiff, then, alleges that during his senior year of high school that Ohrt often hugged him and put his face into his neck. (See Exhibit "C" at 136:7-10).
14. He also claims that Ohrt hugged him from behind with his genitals pressed into his backside. (See Exhibit "C" at 1379-13).
15. Again, Plaintiff concedes that he did not report the conduct and there were no witnesses. (See Exhibit "B" at Interrogatory No. 10 and Exhibit "C" 137:20-23).

16. Calderaio also claims that on occasion during his senior year he would go to Ohrt's home for choir-related meetings. (See Exhibit "C" at 150).
17. Calderaio explained that Ohrt had a barn separate from his home that was fully renovated and heated as an eclectic location for music related practices/meetings. (See Exhibit "C" at 151:23-152:5).
18. The barn had a baby grand piano and a stage where choirs would practice, rehearse and perform. (See Exhibit "C" at 160:24-161:5).
19. Although Calderaio's mother was aware that he would go to Ohrt's barn for choir related meetings, Calderaio clarified that no one at the school, including administration, teachers, and/or staff were aware that he would go to Ohrt's barn. (See Exhibit "C" at 152:24-153:4).
20. Terry Calderaio never raised any concerns about her son going to Ohrt's barn. (See Exhibit "C" at 152:6-11).
21. While at Ohrt's home, Calderaio alleges that Ohrt would engage in "hugging, grabbing [his] butt from behind, pushing into [his] personal space, hugging and pushing his face into [his] neck, patting [his] stomach, the lower of [his] back." (See Exhibit "C" at 151:14-20).
22. Again, this conduct occurred off school grounds, there were no witnesses and Calderaio did not report the conduct (See Id. and See Exhibit "B" at Interrogatory No. 10).
23. Next, Calderaio claims that choir took a trip to Washington, D.C. in 2016. While in D.C. on the choir trip, Plaintiff alleges that Ohrt "rubbed his thigh and inched his hands towards [Calderaio's] penis." (See Exhibit "C" at 139:3-6).
24. Plaintiff concedes that Ohrt did not touch his penis, because he claims that a chaperone walked into the room. (See Exhibit "C" at 139:4-10).

25. Shortly thereafter there was an anonymous report to Child Line presumably reporting this particular incident. (See Exhibit “C” at 140-141).
26. Child Line referred the complaint to the police department for investigation since Mr. Calderaio was over the age of 18 years old. (See Exhibit “B” at Interrogatory No. 10 and Exhibit “E” Police Investigation Documents).
27. Plaintiff participated with the police investigation and vehemently denied the allegations of any inappropriate relationship with Ohrt. (See Exhibit “E” Child & Youth Investigation 4/2016 at bates stamp 5279-5280).
28. Mr. Calderaio provided a sworn written statement to the police stating:

I, John Calderaio, hereby give the following written statement:

When I was told that somebody had made this accusation, I was surprised, upset and relatively pissed off (to explain my feelings-excuse the language). I have known Dr. Ohrt for about as long as I have been at West and can say that I would never expect to see/experience/hear of Dr. Ohrt doing anything outside of his responsibility/job as a teaching in any irresponsible/inappropriate way whatsoever. Dr. Ohrt is a respectable, respectful and reputable man. He has the highest of integrity and does a fantastic job as a choir teacher. He is helpful, cares about his students, is respectful, patient, yet stern at the same time. He is nothing but professional. It is sad/frustrating to me that someone would say something like that about the guy. He is simply nothing like that. I’m rather disgusted that someone I know and he knows would/could have potentially say that about him. He does not deserve that and nor do I. This allegation is FALSE.

(See Exhibit “E” Child & Youth Investigation 4/2016 at bates stamp 5279-5280).

29. Further, Mr. Calderaio’s mother, Terry Calderaio, also informed the police detective that she was “amazed that someone would accuse Dr. Ohrt of any wrong doing.” (See Exhibit “E” at bates stamp 5123).
30. The police investigation was ruled as “unfounded and closed.” (See Exhibit “E” at bates stamp 5120).

31. After the April 2016 incident in Washington, D.C., Plaintiff claims that he distanced himself from Ohrt and had "...virtually no contact. Even communication, no communication virtually." (See Exhibit "C" at 142:9-16).
32. Plaintiff graduated high school in June 2016. (See Exhibit "C" at 46:15-21).
33. Following graduation, however, Calderaio claims that he began to enter into a professional relationship with Ohrt due to his involvement and connections in the music industry. (See Exhibit "C" at 142:17-143:12).
34. Calderaio testified that he began communicating with Ohrt after his graduation and while he was no longer in school in an attempt to help his music career. (See Exhibit "C" at 144:3-9).
35. In fact, Plaintiff even moved in with Ohrt after his graduation. (See Exhibit "C" at 182:8 and 211:22-212:3).
36. Then, in 2019, while Calderaio was 21 years old, he claims that he went to Kansas City with Ohrt. While in Kansas City the two attended a party at Charles Buffy's penthouse. (See Exhibit "C" at 55:4-22).
37. Calderaio explained that Buffy was a Grammy-award winning conductor, composer and director. (See Exhibit "C" at 55:4-22).
38. Plaintiff concedes that while at the party he drank too much alcohol and smoked pot. (See Exhibit "C" at 55:21-56:6).
39. Plaintiff alleges that during the night Ohrt came into the bedroom, put his hands under his pants and attempted to masturbate him. (See Exhibit "C" at 56:16-21).
40. Calderaio claims that he confronted Ohrt about the behavior on their flight home and broke off communications with Ohrt. (See Exhibit "C" at 57:4-23).

41. Despite the fact that Calderaio claimed he was going to cease communications with Ohrt, he did concede that he slept at his house a few more times. (See Exhibit “C” at 60:11-19).
42. Notably, this event occurred more than three (3) years after Plaintiff graduated high school and while he was 21 years of age. (See Exhibit “C” at 55:3-6).
43. In March 2022 a criminal complaint was filed against Ohrt for indecent assault and corruption of minors, stemming from incidents that occurred in 1991-1992 and 1995-1996 and which did **not** involve or relate to Calderaio. (See Exhibit “N” Criminal Complaint).
44. The day before news of the criminal complaint hit newspapers, Calderaio for the first time told his family of the allegations against Ohrt. (See Exhibit “C” at 122:3-5).
45. Thereafter, Calderaio filed the instant litigation against Central Bucks School District for violations of Title IX, §1983 and negligence. (See Exhibit “A”).
46. With regards to Plaintiff’s allegations involving Central Bucks School District, the facts remain:
  - a. There were no witnesses to the alleged sexual abuse; (See Exhibit “B” at Interrogatory No. 10)
  - b. Plaintiff and his parents did not report the alleged sexual abuse to the District at any time; (See Exhibit “B” at Interrogatory No. 10 and (See Exhibit “H” Deposition of Anthony Calderaio, Sr. at 109:2-23).
  - c. Plaintiff’s parents and closest friends did not have knowledge of the abuse until years after Calderaio graduated high school; (See Exhibit “E” at bates stamp 5123; Exhibit “F at 27:21-28:1 and See Exhibit “C” at 120:7-24).
  - d. When questioned about his relationship with Ohrt, Calderaio vehemently denied any inappropriate relations to police detectives in a sworn affidavit. (See Exhibit “E”).

47. Calderaio concedes that he did not report any allegations of sexual harassment or abuse to any school administrator. (See Exhibit “B” at Interrogatory No. 10).
48. In fact, Plaintiff concedes that the first time he reported any of the alleged sexual abuse incidents to anyone was in May 2019 to his girlfriend (Peyton Grow), which was approximately one year after his graduation. (See Exhibit “B” at Interrogatory No. 10).
49. Plaintiff’s mother, Terry Calderaio, testified that she had no knowledge of any sexual harassment/abuse from Ohrt. In fact, when she questioned her son about the 2016 Child Line report, Calderaio again denied any inappropriate conduct to her. (See Exhibit “G” Deposition of Terry Calderaio at 62:12-20).
50. Terry Calderaio also denied hearing any concerns from other parents about student relationships with Ohrt. (See Exhibit “G” at 63:11-64:11). Further, she testified:

Q: Okay. Did you know, at some point, that John was living at Ohrt’s house?

A: Yes, I did.

(See Exhibit “G” at 66:7-10).

Q: Did you express any concerns to John about that?

A: No, I didn’t. When I had conversations with Dr. Ohrt, he – his conversations with me were that he was presenting himself as a type of father-figure, a friend, a confidant, someone who wanted to support John through difficult things. He asked questions and my—what I took from the conversations was that he was trying to be an adult role model...

(See Exhibit “G” at 66:20-67:8).

51. Anthony Calderaio, Plaintiff’s father conceded that he never reported any sexual harassment/abuse to the District. (See Exhibit “H” Deposition of Anthony Calderaio, Sr. at 109:2-23).

52. Anthony Calderaio specifically testified that the only concerns he reported to Principal Booker regarding Ohrt were simply that John was spending too much time after school in music class. Specifically, he testified as follows:

A:...And I also voiced my concern that—on multiple fronts, and here are the points that I was wanting to discuss with Principal Booker.

Number one, the fact that you know, John took the car to school without my permission and I wanted to remove it from the parking lot. That was one thing.

Number two, is I wanted him to get the key from John in class and bring it to me.

Number three, that he was spending way too much time after hours at school with his music teacher.

Next, that John was exhibiting antifamily behavior; spending less and less time with the family. That his behavior seemed to indicate that there may be some substance involved because his behavior—it wasn't just—in my observation...

(See Exhibit “H” Deposition of Anthony Calderaio, Sr. at 109:2-23).

53. Chloe Grau testified that she dated Calderaio from approximately age 12 to age 18 and that he temporarily lived with her and her family. (See Exhibit “F” Deposition of Grau at 18:2-12 and 20:1-5).

54. Although Chloe was particularly close with Calderaio throughout his high school career, she testified that she had no knowledge of any sexual harassment/abuse from Ohrt. Specifically Chloe testified:

Q: Did you ever hear any comments or rumors that John was gay with Dr. Ohrt?

A: No.

Q: Did John ever tell you at any point that Dr. Ohrt hugged him or kissed him in choir?

A: No.



(See Exhibit “F” at 27:21-28:1).

Q: Okay. And during the time that you were in high school, you did not suspect that there were any inappropriate relationship between Dr. Ohrt and John?

A: I mean, they would text and call each other, which I thought was odd, but I was also a kid at the time, so...

(See Exhibit “F” at 33:7-13).

Q: Were any of the text messages, to your knowledge, inappropriate?

A: No.

(See Exhibit “F” at 33:17-19).

55. John Calderaio, himself, testified that Chloe Grau and her mother, with whom he resided during portions of high school, actually met Dr. Ohrt during Calderaio’s senior year of high school. He testified that both Chloe and her mother thought Ohrt was “a good person for [him] to be involved with.” (See Exhibit “C” at 120:7-24).

56. Calderaio conceded that he had not disclosed any complaints of Ohrt to either Chloe or her mother during high school. (See Exhibit “C” at 121:7-19).

57. He conceded that it was not until after high school that Chloe and her mother began to feel that “maybe there was something off about [Ohrt].” (See Exhibit “C” at 120:17-121:6).

58. Finally, Calderaio conceded that other teachers, including Jessica Bostok (theater director) and Kevin McDermott (one of Calderaio’s teachers at CB West), had no knowledge of the alleged abuse from Ohrt. (See Exhibit “C” at 145-147:7).

59. Despite the fact that District had no knowledge of the alleged sexual abuse/harassment towards Calderaio, the District had policies/procedures prohibiting sexual harassment/abuse and provided training on those policies. (See Exhibit “K” and “L”).

60. Finally, in accordance with State mandates Plaintiff underwent pre-employment criminal background screening and child abuse clearance, which was updated every few years. (See Exhibit “M” at 34:5-35:7).